HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION NO. 23458 OF 2007

DATE: 06.11.2007

Between:

M/s Green Indian Agri Bio Tech represented by its Managing Partner Annavarapu Raju

...Petitioner

AND

1. The Commissioner and Director of Agriculture, A.P. Gunfoundry Hyderabad

.....Respondent

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WRIT PETITION NO. 23458 OF 2007

ORAL ORDER: _

Heard the learned counsel.

This Writ Petition is coming up for admission.

The Writ Petition is filed for writ of Mandamus , declaring the action of the respondent in interfering with the manufacturing and sale of the petitioner's Bio-Products like Amino Acids and Sea Weed extract by issuing Memo No. PP.II(1) 2085/2005, dated 21.01.2006 and the consequential letter No. PP.II(1) 2085/2005, dated 21.01.2006 as being illegal, arbitrary, unconstitutional and without jurisdiction and further direct the respondent not to interfere with in any manner in the manufacture, sale and distribution of the petitioner's Bio-products including from the licensed premises of the dealers/stockiests under the Insecticides Act, 1968 and the Fertilizers Control (Order) Act, 1985.

In similar batch of writ petitions i.e., W.P.Nos. 19551 of 2007 and batch, this court disposed of the same with certain directions, which are as under:

(a) "*it shall be open to of 5 kg. of each prod the corresponding li manufacturing proces the respondent herei*

(b*within two (4) weeks samples and the lit respondent shall get laboratory and intima petitioners;*

(c) *in case, the analysis reveals that the products dealt with by the petitioners answer the description of the products mentioned in Schedule-III to the Control Order, the petitioners shall be entitled*

to deal with the products, only after obtaining licence under the Control Order. On the other hand, if the result is found otherwise, the petitioners shall not be subjected to the regime under the Control Order or the Act; andif the respondent fails to intimate the result of the analysis within two (4) weeks from the date of submission of the samples and the literature, it shall be open to the petitioners to deal with the products, notwithstanding the impugned letter and the memo, as long as the products are not insecticides or chemicals

It is submitted that the petitioner has already disposed of, the business, but in almost had commenced the business needless to say that till the directions sought for in the Writ Petitions maintainable. Writ Petitions No order as to costs."

In view of the above, this court is of the view that this Writ Petition also can be disposed of in the light of the above said directions made in similar cases. No order as to costs.

P.S. NARAYANA, J

Date: 6.11.2007
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